



SO ORDERED.

SIGNED this 03 day of February, 2006.


LEIF M. CLARK
UNITED STATES BANKRUPTCY JUDGE

United States Bankruptcy Court

Western District of Texas
San Antonio Division

IN RE

GEORGE GERVIN & JOYCE GERVIN

DEBTORS

JOYCE GERVIN

PLAINTIFF

v.

CADLES OF GRASSY MEADOWS II, L.L.C.

DEFENDANT

BANKR. CASE NO.

98-52186-C

CHAPTER 7

ADV. PROC. No. 04-5138-C

ORDER AWARDING ATTORNEY'S FEES

CAME ON for consideration the foregoing matter. On November 12, 2005 the court entered a memorandum decision in favor of Plaintiff after the trial held on September 29, 2005. Doc. # 160. The decision included an award of attorney's fees subject to the court's consideration of materials submitted post-trial (in addition to the evidenced adduced at the close of trial on September 29, 2005). Those materials were submitted on January 12, 2006. Doc. #164. After consideration of the materials submitted, the court finds that the Plaintiff is entitled to \$18,190 for attorney's fees incurred. As the Court noted at trial on the record, the Court is aware of the Defendant's proclivity for litigation in this case and in many other cases involving

Defendant. As a result, the Court ruled on the record that prospective fees were appropriate in this case given Defendant's reputation and given the impracticalities in how a plaintiff recovers those fees after an appeal if fees are not awarded prospectively. The Court also finds it appropriate to award fees for post-trial collection and enforcement costs. Therefore, the Court awards \$15,000 for post-trial collection and enforcement costs. The Court also orders the following amounts to be paid to Plaintiff upon appeal by Defendant: If Defendant appeals the judgment and award of damages and fees, Defendant must pay \$25,000 in attorney's fees for an appeal to the district court, \$15,000 for fees for an appeal to the Fifth Circuit, and \$20,000 for fees for an appeal to the United States Supreme Court. SO ORDERED.

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